

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

**ANDREA HOLLEY and
JANICE FAYE MELCHERT,**

Plaintiffs,

v.

Case No. 13-cv-0055 SMV/RHS

DONALD VAN JELGERHUIS,

Defendant.

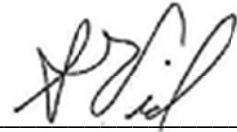
DECLARATORY JUDGMENT

THIS MATTER is before the Court on the parties' Stipulation for Entry of Declaratory Judgment [Doc. 8], filed on May 23, 2013. The Plaintiffs' Complaint for Declaratory Relief [Doc. 1] seeks declaratory relief pursuant to 28 U.S.C. § 2201(a), declaring and adjudging the rights of the parties as to the entitlement to proceeds realized from a claim brought under the New Mexico Wrongful Death Statute by Plaintiff Andrea Holley, in her capacity as wrongful death personal representative, arising out of the death of Dustin Van Jelgerhuis, the son of Plaintiff Janice Faye Melchert and Defendant Donald Van Jelgerhuis.

In their Stipulation for Entry of Declaratory Judgment, the parties jointly request that the Court enter declaratory relief on the terms requested therein. With the stipulation, the parties have submitted a Disclaimer of Interest, executed by Defendant, by which Defendant disclaims and releases any interest in any recovery realized as a result of the death of Dustin Van Jelgerhuis under the New Mexico Wrongful Death Statute. [Doc. 8-1].

IT IS THEFORE ORDERED, ADJUDGED, AND DECREED that declaratory judgment is entered in this case, finding, adjudging, and declaring that Defendant Donald Van Jelgerhuis has disclaimed and released any interest in and is not entitled to distribution of any damages recovered for the wrongful death of the decedent, Dustin Van Jelgerhuis, under the New Mexico Wrongful Death Statute.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent